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Sent: Tuesday, May 20, 2008 8:05 PM

To: Cathy Seidel; Nicole McGinnis; Thomas Chandler

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Subject: Paragraphs 95-96

Dear Ms. Cathy Seidel, Ms. Nicole McGinnis, and Mr. Thomas Chandler,  
Consumer and Governmental Affairs Bureau, Federal Communications Commission

Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN) respectfully submits its comments on the topic of Paragraphs 95-96. DHHCAN has met at least twice with some TRS providers on this issue during its regular meetings in early 2008, and the TDI Board of Directors reviewed this item during its regular meeting this past weekend in Clearwater Beach, Florida.

On behalf of consumers, we find it imperative to submit these comments in a timely manner as the FCC nears finalizing its decision before the "stay" on this issue expires. Here follows the input based on consensus agreement among the three DHHCAN officers, myself, Ms. Cheryl Heppner, Vice Chair, and Rosaline Crawford, Secretary-Treasurer, and the deliberations/unanimous vote from the TDI Board of Directors meeting.

DHHCAN reaffirms its support for the original language of Paragraphs 95-96. That is, we consumers should be asked first (opting in) whether we want to receive marketing, promotional and lobbying material from our preferred relay providers or any other provider seeking to do business with us consumers. Also, that if we do not respond to the question, the default answer would be to the effect that we wish not to receive promotional material.

Several reasons for DHHCAN's position on this issue:

1.) This would reaffirm the position that DHHCAN, TDI, and NAD took in 2000. Back then when we

filed comments in year 2000, we asked for a "dial tone" experience on making and taking relay calls.

2.) The providers need to understand that consumers have the right to make informed decisions upfront. We have the right to set the parameters of our relay service experience, i.e. determine how our calls should be handled according to our caller profile, and choose whether or not to receive promotional and/or lobbying materials. By requiring an opt in process (indicating they do want to receive materials), consumers remain in control of their telephone experience.

3.) The original paragraphs do not prevent the providers at all from engaging in a variety of marketing efforts. While they can buy mailing lists from other entities to send out promotional material, they cannot directly use information provided by consumers in order to set up their telephone number, their preferred provider, or their call handling preferences. Providers can place ads in newsletters, periodicals, websites, and other publications by local, regional and national consumer groups. The providers can also market their products and services during exhibits at major events like conventions and expos (DeafNation and ASL Expos).

4.) Often when consumers decide to make a call with any one TRS provider, the intent is to make a call, to connect with someone, and to have a conversation, nothing else. It was never the intent for the consumer to leave a provider with key information from the call itself to use for any other purpose. Consumers highly value personal privacy, and respect and sensitivity from the business community as they are sought for to utilize their products and services. When consumers want to know more about something, they are able to figure out a number of ways to get the information. Again, providers need to have much more confidence on the consumers' capability to make decisions on their own without any leading tactics or high pressure strategies.

5.) We support affirmative opt-in provisions for most things (advertising, news/information, etc.) that also come with easy opt-out options (i.e., end of message says something like "to unsubscribe . . ."). For certain administrative issues, such as receiving emergency notifications, when that service becomes available, these should be treated as affirmative opt-out options ("you are in, unless you specifically opt-out").

Sincerely,

Claude Stout

Chair

Deaf and Hard of Hearing Consumer Advocacy Network

cc: Cheryl Heppner, Vice Chair, Deaf and Hard of Hearing Consumer Advocacy Network

Rosaline Crawford, Secretary-Treasurer, Deaf and Hard of Hearing Consumer Advocacy Network

Dr. Roy E. Miller, President, TDI

Organizational Representatives, Deaf and Hard of Hearing Consumer Advocacy Network

Members, TDI Board of Directors